

ton, Camp, Culberson, Craven, Davenport, Ellis, Friend, Hobby, Ireland, Joseph, Morris, Parker, Swift, Westfall and Wood—19.

NAYS—Senator Flanagan—1.

On motion of Senator Ellis. Senator Shepard was excused for three days.

On motion of Senator Wood, Senator Moore was granted an extension of his leave of absence for the ten days.

On motion of Senator Flanagan, he was excused indefinitely from Tuesday next.

On motion of Senator Friend, Senator Ellis was indefinitely excused from Monday next.

Senator Westfall moved to reconsider the vote adopting the report of the conference committee on Senate bill No. 616, "An act to incorporate the Red River and Rio Grande Railroad Company," and to lay the motion to reconsider on the table. Adopted.

Senator — gave notice that he would move a reconsideration of the vote by which the Senate refused to pass to engrossment Senate bill No. 561, "An act to repeal 'an act regulating the practice of medicine.' "

On motion of Senator Davenport, the Senate adjourned until at 10 o'clock A. M. Monday.

## FORTY-SECOND DAY.

SENATE CHAMBER, )  
AUSTIN, March 1st, 1875. (

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain. Journal of Saturday read and adopted.

A message was received from His Excellency, the Governor.

Senator Friend presented the petition of David Halderman, "for six hundred and forty acres of land." Read and referred to Committee on Private Land Claims.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly en-

rolled, Senate bill No. "An act to incorporate the Houston, East and West Texas Railway Company, and to promote the construction of the railway." and have this 1st day of March, 1875, at 10 o'clock A. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Friend, for Committee on Engrossed Bills, submitted the following report :

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 747, "An act to incorporate the Brazos Valley, Narrow Gauge Railway Company, and to grant lands in aid of the construction of the same;" Senate bill No. 746, "An act to amend the second section of an act amendatory of and supplemental to 'an act to incorporate the Texas Timber and Prairie Railroad Company,'" approved August 15th, A. D. 1870; passed May 24th, A. D. 1873, and became a law without the approval of the Governor;" Senate bill No. 731, "An act to legalize the work, as Notary Public, of R. W. Walton, J. C. Bartlett and J. C. Baird, of Navarro county;" Senate joint resolution No. 751 "Permitting the veterans of the Mexican war to use the Capitol Halls and rooms on the 8th of May, 1875;" Senate joint resolution No. 745, "Prescribing the time and mode of settlement of the accounts of W. J. Long, former sheriff of Bell county, for the fiscal year embracing a part of the years 1873 and 1874;" Senate substitute for House bill No. 774, "An act to add the counties of Shackelford, Taylor and Callahan, to the Thirty-fourth Judicial District, and to prescribe the times of holding court in said district;" Senate bill No. 659, "An act to improve the navigation of Oyster Creek, Bernard and Caney," and find all of same correctly engrossed.

FRIEND, for Committee.

Senator Westfall introduced a bill entitled "An act requiring sheriffs to collect taxes levied to supply deficiencies in support of public free schools, and provide mode of settlement and collection." Read first time and referred to Committee on Education.

Senator Bradley introduced a bill entitled "An act to incorporate the Tehuacana Tramway Railroad, from Tehuacana to Mexia, or some other place on the Texas

Central Railroad." Read first time and referred to Committee on Internal Improvements.

Senator Swift moved a reconsideration of the vote passing Senate concurrent resolution, "To adjourn *sine die* on Monday, the 8th day of March."

Senator Ireland moved to lay the motion on the table. Lost by the following vote :

YEAS—Senators Allison, Bradshaw, Bradley, Hobby, Ireland and Russell—6.

NAYS—Senators Ball, Baker, Burton, Camp, Culberson, Dillard, Davenport, Dwyer, Erath, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Parker, Randle, Stirman, Swift, Westfall and Wood—21.

The motion to reconsider was then adopted, and the Secretary was instructed to so inform the House, and ask for a return of said concurrent resolution.

Senator Hobby, for Committee on Constitutional Amendments, submitted the following reports :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Constitutional Amendments ask leave to report back to the Senate, the following Senate joint resolutions, "Proposing amendments to the constitution of the State of Texas," and recommend that they do not pass—Nos. 44, 74, 96, 10, 197, 694, 589, 658, 730 and 549.

HOBBY, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Constitutional Amendments, to whom was referred numerous amendments to the constitution, instruct me to report the accompanying joint resolution as a substitute for the amendments referred, and recommend that the substitute be proposed as amendments to the constitution.

HOBBY, for Committee.

On motion of Senator Wood, the rules were suspended, and Senate bill No. 606, "An act to legalize the acts of J. J. Metcalf," was taken up and read second time and ordered engrossed.

On motion of Senator Wood, the rules were suspended, bill read third time and passed.

On motion of Senator Parker, the rules were suspended, and House bill No. 627, "An act to cause the county courts of the several counties in this State to furnish the

county surveyor of each county with office books," was taken up and read second time, pending an amendment by the committee.

The amendment of the committee was adopted.

The bill, as amended, then passed to third reading.

On motion of Senator Parker, the rules were suspended, bill read third time and passed.

On motion of Senator Bradshaw, the rules were suspended, and House bill No. 673, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places therein named," was taken up, and read second time.

Senator Ireland offered the following amendment: Strike out "Lavernia, in Wilson county." Adopted.

Senator Randle offered the following amendment: Strike out "Fiskville, in Travis county." Adopted.

Senator Westfall offered the following amendment: Before the word "Live Oak, in Travis county," add the words "on Onion creek." Adopted.

The bill, as amended, then passed to third reading.

On motion of Senator Bradshaw, the rules were suspended, bill read third time and passed.

On motion of Senator Erath, the rules were suspended, and Senate bill No. 506, "An act supplemental to and amendatory of the several acts authorizing the sale and disposition of the University lands in the State of Texas," was taken up, pending an amendment by the House.

The House amendment was concurred in.

On motion of Senator Baker, the rules were suspended, and Senate bill No. 759, "An act to incorporate the Houston Light Guards, of the city of Houston," was taken up, and referred to Committee on State Affairs.

On motion of Senator Westfall, the rules were suspended, and Senate bill No. 655, "An act to appropriate unexpended school moneys, to be used for educational purposes, in the school districts to which they belong," was taken up, read second time and ordered engrossed.

On motion of Senator Westfall, the rules were suspended, bill read third time and passed.

Senator Ireland moved that the rules be suspended to take up Senate bill No. — "To make an appropriation for the support of the State Government," etc.

Senator Flanagan moved a call of the Senate. Call sustained.

Absent—Senators Burton, Joseph, Dwyer and Randle—4.

The Sergeant-at-arms was dispatched for absent Senators.

The hour for the consideration of the special order having arrived, to-wit: Senate bill No. — “An act to retire the floating debt of the State, and provide for the funding of the same,” it was, on motion of Senator Wood, made special order for to-morrow, at 11 o'clock, A. M.

On motion of Senator Westfall, the rules were suspended, and Senate bill No. 727, “An act to authorize sheriffs to transmit money to the Comptroller of Public Accounts, by express,” was taken up, and read second time.

On motion of Senator Dillard, the bill was indefinitely postponed.

On motion of Senator Parker, the rules were suspended, and the resolution, submitted some days since by the Finance Committee, “in regard to requesting the Governor to furnish the Senate information in regard to the finances of the State,” was taken up and adopted.

On motion of Senator Dillard, the rules were suspended, and Senate bill No. 668, “An act to amend section 290 of Penal Code,” was taken up, read second time and ordered engrossed.

On motion of Senator Dillard, the rules were suspended, bill read third time and passed.

On motion of Senator Bradley the rules were suspended and Senate bill No. 743, “An act to amend the second and eleventh sections of ‘an act to incorporate the Beaumont, Corsicana and Fort Worth Rail Road Company,’ ” was taken up, read second time and ordered engrossed.

On motion of Senator Bradley, the rules were suspended, bill read third time and passed.

On motion of Senator Dillard, the rules were suspended and Senate bill No. 661, “An act to amend an act entitled ‘an act to establish a Code of Criminal Procedure for the State of Texas,’ ” approved August 26, 1856, was taken up and read second time, and ordered engrossed.

Senator Randle moved a suspension of the rules to put the bill on its third reading.

Senator Ireland moved to adjourn until 10 o'clock Wednesday. Lost by the following vote:

YEAS—Senators Allison, Baker, Bradley, Dillard, Davenport, Erath, Hobby, Ireland, Parker and Wood—10.

NAYS—Senators Ball, Bradshaw, Burton, Camp, Cul-

berson, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Stirman and Swift—16.

Senator Culberson offered the following amendment: After the word "proceedings" insert the following words: "in which the truth or falsity of evidence given in the grand jury room, in any criminal case, shall be under investigation."

Senator Hobby moved that the Senate stand adjourned until half-past ten o'clock A. M., on Wednesday morning. Lost by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland and Parker—12.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—16.

On motion of Senator Hobby the call was suspended.

Senator Ireland moved to adjourn until five minutes past ten o'clock on Wednesday. Lost by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—13.

NAYS—Senators Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—15.

The amendment offered by Senator Culberson was then adopted.

The bill, as amended, was then read third time and passed.

A message was received from the House announcing the passage of Senate bill No. 463, "An act to limit the amount to be issued in bonds to the International Rail Road Company, and to adjust all matters of difference between the State and said company," with an amendment by the House. Also, that the House had adopted the report of the Conference Committee on the disagreement between the two Houses on Senate bill No. 616, "To incorporate the Red River and Rio Grande Railway Company, and to authorize the building of branches thereto, and to grant lands to aid in the construction thereof."

Senator Bradley moved to adjourn until five minutes past 10 o'clock A. M., Wednesday next.

Lost by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Brad-

ley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland and Parker—12.

NAYS—Senators Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—15.

On motion of Senator Swift, the rules were suspended, and House bill No. 259, "An act to appoint trustees to take charge of property bequeathed to the State of Texas for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest," was taken up and read second time.

Senator Swift offered the following amendment: Strike out names of "Bennet Blake and Fred Wright," and insert the names of "Payton F. Edwards and Milton Mast." Adopted.

The bill as amended, then passed to third reading.

On motion of Senator Swift, the rules were suspended, bill read third time and passed.

On motion of Senator Morris, the rules were suspended and Senate bill No. 630, "An act to validate the official acts of Jas. H. Jernigan, Notary Public of Hunt county" was taken up, read second time and ordered engrossed.

On motion of Senator Swift, the rules were suspended, bill read third time and passed.

Senator Flanagan moved to suspend the rules, to take up Senate bill No. 706, "An act for the relief of Rusk county." Senate refused to suspend the rules.

The President announced that the first business in order was Senate bill No. 463, "An act to limit the amount to be issued in bonds to the International Railroad Company, and to adjust all matters of difference between the State and said company," with an amendment from the House.

Senator Hobby moved a call of the Senate. Call sustained.

Absent—Senators Baker and Wood.

The Sergeant-at-arms was dispatched for absent Senators.

Senate bill No. 522, "An act for the relief of the sheriff of Rusk county," was taken up, pending House amendments.

The amendments of the House were concurred in.

Senate bill No. 498, "An act to enlarge the powers and define the duties of peace officers in the execution of process in criminal cases," was taken up, read second time and ordered engrossed.

Senator Ball moved to adjourn until 10 o'clock A. M., to-morrow.

Lost by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—13.

NAYS—Senators Burton, Camp, Culberson, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—15.

The President announced the Senate as full, and the call suspended.

Senator Dillard made a point of order, that the President was in error in announcing Senate bill No. 463, "An act to limit the amount to be issued in bonds to the International Railroad, and to adjust all matters of difference between the State and said company," with an amendment by the House, as the next business in order, claiming that there were other bills that had precedence.

The President decided that the point of order was not well taken : that this bill was one of the oldest bills that had been introduced this session, and therefore had precedence.

It was introduced the second day of the present session and is now the oldest bill on the calendar, having passed the Senate and the House with an amendment ; under the rules of Congress, such a bill would have precedence over all other bills. Under the Senate rules, governed by a bill on its second reading, and bills on their second reading being first in order after the morning call ; and this being the first bill on that calendar, it is now before the Senate in the regular orders of the day.

Senator Dillard appealed from the decision of the chair.

Senator Joseph announced that he had paired off with Senator Shepard, stating that he, Senator Joseph, would have voted "aye," and Senator Shepard "nay."

Senator Friend stated that he had paired off with Senator Craven, he, Senator Friend, would have voted "aye," and Senator Craven "nay."

The Senate sustained the decision of the chair by the following vote :

YEAS—Senators Baker, Bradley, Burton, Camp, Culberson, Davenport, Dwyer, Ellis, Erath, Flanagan, Hobby, Ledbetter, Morris, Moore, Parker, Randle, Russell, Stirman, Swift, Westfall and Wood—21.



NAYS—Senators Allison, Ball, Bradshaw, Dillard and Ireland—5.

Senator Hobby moved to refer the bill to Judiciary Committee, and that ninety copies be printed. Lost by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

Senator Flanagan moved that the Senate concur in House amendment.

Senator Dwyer moved the previous question. Previous question seconded.

Senator Hobby moved to adjourn until five minutes past 10 o'clock A. M., to-morrow. Lost by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—15.

The main question was then ordered.

Senator Parker moved to adjourn until 3 o'clock P. M. Lost by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker, and Wood—12.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

The question then was, "Shall the main question now be put?" It was carried by the following vote:

YEAS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

NAYS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

The question then being, "Shall the Senate concur in House amendment?" it was carried by the following vote:

YEAS—Senators Baker, Burton, Camp, Culberson,

Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

NAYS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

Senator Flanagan moved to reconsider the vote just taken, and to lay the motion to reconsider on the table.

Senator Ireland moved to adjourn until 9 o'clock A. M., to-morrow. Lost by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

The motion of Senator Flanagan to reconsider, and to lay the motion to reconsider on the table, was adopted.

On motion of Senator Erath, the Senate stood adjourned until 10:30 o'clock A. M., on Wednesday.

## FORTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, March 3, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Wood, the reading of the journal of Monday was dispensed with.

The President of the Senate presented the following communication from Senator Culberson :

SENATE CHAMBER,  
AUSTIN, March 2, 1875.

*Hon. R. B. Hubbard, President of the Senate :*

My resignation of the office of Senator, for the term of four years, from the Seventh Judicial District, takes effect on to-morrow, the 3rd instant. You will, therefore, on the morning call, cause my name to be omitted from the roll of Senators. In making this announcement of the termination of my official relations with the Senate, I beg